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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/526,860	
	Filing Date	September 4, 2003	
	First Named Inventor	Marc K. HELLERSTEIN	
	Group Art Unit	1648	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	6 + 16 Refs.	Attorney Docket Number	416272003600

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Form PTO/SB/08A/B-2 pgs
<input checked="" type="checkbox"/> Information Disclosure Statement-3 pgs.	<input type="checkbox"/> Request for Refund	2. Citing 29: Copies of 16 References Attached
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Return Receipt Postcard
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	MICHAEL R. WARD Reg. No. 38,651 CUSTOMER NO. 20872
Signature	<i>Michael R. Ward</i>
Date	July 5, 2007

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 470 628 955 US, in an envelope addressed to: **Commissioner for Patents, MAIL STOP: AMENDMENT**, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date: July 5, 2007 Signature: *[Signature]* (Lilia Olsen)

SF-2333395

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Dated: July 5, 2007 Signature: _____

(Lilia Olsen)

Patent

Docket No. 416272003600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marc K. HELLERSTEIN

Serial No.: 10/526,860

Filing Date: September 4, 2003

For: METHODS FOR MEASURING THE
RATES OF REPLICATION AND
DEATH OF MICROBIAL INFECTIOUS
AGENTS IN AN INFECTED HOST
ORGANISM

Examiner: Not Yet Assigned

Group Art Unit: 1648

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of non-patent literature are submitted herewith. A copy of U.S. Patent Application No. 11/796,438 (document no. 14 on the attached Form PTO/SB/08a/b) is not included herewith. This protocol conforms with the waiver of the requirement under 37 CFR § 1.98 to provide copies of pending U.S. Patent Applications. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling;
or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 416272003600.

Dated: July 5, 2007

Respectfully submitted,

By Michael R. Ward

Michael R. Ward

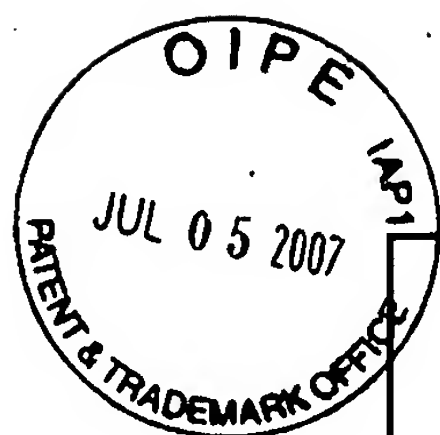
Registration No.: 38,651

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ALTERNATIVE TO PTO/SB/08A/B (04/07)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/526,860
				Filing Date	September 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1648
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	416272003600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-20050147558-A1	07-07-2005	Hellerstein	
	2.	US-20050202406-A1	09-15-2005	Hellerstein	
	3.	US-20050201937-A1	09-15-2005	Hellerstein	
	4.	US-20050238577-A1	10-27-2005	Hellerstein	
	5.	US-20050249664-A1	11-10-2005	Hellerstein	
	6.	US-20060020440-A1	01-26-2006	Hellerstein	
	7.	US-7,001,587-B2	02-21-2006	Hellerstein	
	8.	US-7,022,834-B2	04-04-2006	Hellerstein	
	9.	US-20060094057-A1	05-04-2006	Hellerstein	
	10.	US-20060204439-A1	09-14-2006	Hellerstein	
	11.	US-20060251576-A1	11-09-2006	Hellerstein	
	12.	US-20060280682-A1	12-14-2006	Hellerstein	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	13.	Maric, D. et al. (2000). "Functional Ionotropic Glutamate Receptors Emerge During Terminal Cell Division and Early Neuronal Differentiation of Rat Neuroepithelial Cells," <i>Journal of Neuroscience Research</i> 61(6):652-662.	
	14.	United States Patent Application No. 11/796,438, filed April 26, 2007 for Hellerstein.	
	15.	U.S. Office Action mailed on July 21, 2006, for U.S. Application No. 10/963,967 filed on October 12, 2004, 7 pages.	
	16.	U.S. Office Action mailed on January 11, 2007, for U.S. Application No. 10/963,967 filed on October 12, 2004, 6 pages.	
	17.	U.S. Office Action mailed on March 5, 2007, for U.S. Application No. 10/366,125 filed on February 12, 2003, 6 pages.	
	18.	U.S. Office Action mailed on June 26, 2006, for U.S. Application No. 10/366,125 filed on February 12, 2003, 11 pages.	
	19.	U.S. Office Action mailed on October 18, 2005, for U.S. Application No. 10/366,125 filed on February 12, 2003, 29 pages.	
	20.	U.S. Office Action mailed on March 30, 2006, for U.S. Application No. 10/664,513 filed on September 16, 2003, 15 pages.	

Examiner Signature		Date Considered	
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sf-2337586

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/526,860
				Filing Date	September 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1648
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	416272003600

	21.	U.S. Office Action mailed on October 20, 2005, for U.S. Application No. 10/664,513 filed on September 16, 2003, 12 pages.	
	22.	U.S. Office Action mailed on August 8, 2006, for U.S. Application No. 10/519,121 filed on December 23, 2004, 8 pages.	
	23.	U.S. Office Action mailed on January 31, 2007, for U.S. Application No. 11/078,083 filed on March 11, 2005, 16 pages.	
	24.	U.S. Office Action mailed on May 17, 2007, for U.S. Application No. 10/407,435 filed on April 4, 2003, 15 pages.	
	25.	U.S. Office Action mailed on August 24, 2006, for U.S. Application No. 10/407,435 filed on April 4, 2003, 9 pages.	
	26.	U.S. Office Action mailed on January 24, 2007, for U.S. Application No. 10/701,990 filed on November 4, 2003, 6 pages.	
	27.	U.S. Office Action mailed on January 19, 2007, for U.S. Application No. 10,872,280 filed on June 17, 2004, 5 pages.	
	28.	U.S. Office Action mailed on June 9, 2006, for U.S. Application No. 10,872,280 filed on June 17, 2004, 6 pages.	
	29.	U.S. Office Action mailed on June 20, 2005, for U.S. Application No. 10,872,280 filed on June 17, 2004, 9 pages.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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